



# DECLARATION AND POWER OF ATTORNEY

Docket No. X-11965

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the invention entitled

## METHOD OF INCREASING BONE TOUGHNESS AND STIFFNESS AND REDUCING FRACTURES

which is described and claimed in the specification which:

(check [ ] is attached hereto.  
one) [x] was filed on 26 Sep., 2000 as United States  
Application Serial No. 09/647,278

or

PCT International Application No. PCT/US99/18961  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined 37 C.F.R. 1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional patent application(s) listed below.

60/097,181  
(Application Number)

19 August 98  
(Filing Date)

60/099,746  
(Application Number)

10 Sept. 98  
(Filing Date)

**Power of Attorney:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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<u>Attorney</u>	<u>Reg. No.</u>	<u>Attorney</u>	<u>Reg. No.</u>
Arvie J. Anderson	45,263	Gerald P. Keleher	43,707
Lynn D. Apelgren	45,341	James J. Kelley	41,888
Robert A. Armitage	27,417	Paul J. Koivuniemi	31,533
Brian P. Barrett	39,597	Thomas LaGrandeur	P51,026
Michael T. Bates	34,121	Kirby Lee	47,744
Roger S. Benjamin	27,025	Robert E. Lee	27,919
Gary M. Birch	48,881	James P. Leeds	35,241
William R. Boudreaux	35,796	Nelsen L. Lentz	38,537
Steven P. Caltrider	36,467	Douglas K. Norman	33,267
Paul R. Cantrell	36,470	Arleen Palmberg	40,422
John Cleveland	P50,697	Thomas G. Plant	35,784
Charles E. Cohen	34,565	Edward Prein	37,212
Donald L. Corneglio	30,741	Grant E. Reed	41,264
Gregory A. Cox	47,504	James J. Sales	33,773
Paula K. Davis	47,517	Michael J. Sayles	32,295
Elizabeth A. Dawalt	44,646	Robert L. Sharp	45,609
John C. Demeter	30,167	David M. Stemerick	40,187
Manisha A. Desai	43,585	Mark J. Stewart	43,936
Joanne Longo Feeney	35,134	Robert D. Titus	40,206
Paul J. Gaylo	36,808	Robert C. Tucker	45,165
Francis O. Ginh	44,712	Tina M. Tucker	47,145
Janet A. Gongola	48,436	MaCharri Vorndran-Jones	36,711
Amy E. Hamilton	33,894	Gilbert T. Voy	43,972
James A. Hoffmann	P50,221	Thomas D. Webster	39,872
Frederick D. Hunter	26,915	Lawrence T. Welch	29,487
Thomas E. Jackson	33,064	Alexander Wilson	45,782
Soonhee Jang	44,802	Dan L. Wood	48,613
Charles Joyner	30,466		

said Robert A. Armitage and Douglas K. Norman to have in addition the power to revoke the power granted to all others listed above.

Send Correspondence To:

Direct Telephone Calls To:

ELI LILLY AND COMPANY  
Patent Division/TDW  
Lilly Corporate Center  
Indianapolis, Indiana 46285

Thomas D. Webster  
317-276-3334

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Sole or  
or First Inventor :

Gregory H. Gaich

Inventor's Signature :

Date: 17 Jan 2002

Residence Address :

5744 North Delaware Street  
Indianapolis, Indiana 46220

Post Office Address :

SAME AS ABOVE

Citizenship :

U.S.

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Full Name of Second

Joint Inventor, if Any: Willard H. Dere

Inventor's Signature :

Willard H. Dere

Date: 18 Jan. 02

Residence Address :

5308 Longstone Roundabout  
Carmel, Indiana 46033

Post Office Address :

SAME AS ABOVE

Citizenship :

U.S.

Full Name of Third

Joint Inventor, if Any:

Inventor's Signature :

Date: \_\_\_\_\_

Residence Address :

Post Office Address :

SAME AS ABOVE

Citizenship :

Full Name of Fourth

Joint Inventor, if Any:

Inventor's Signature :

Date: \_\_\_\_\_

Residence Address :

Post Office Address :

SAME AS ABOVE

Citizenship :

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.  
 ELI LILLY AND COMPANY

By 45 B. Roades

Date 1-29-02

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

MAILED  
 FEB 05 2002  
 PATENT & TRADEMARK OFFICE

Applicants	: Hock, et al	)	
Serial No.	: 09/647,278	)	
Filed	: September 26, 2000	)	Group Art Unit:
		)	1653
For	: METHOD OF INCREASING BONE	)	
	TOUGHNESS AND STIFFNESS AND	)	Examiner:
	REDUCING FRACTURES	)	F. Moezie
Docket No.	: X-11965	)	

**CONSENT BY ASSIGNEE UNDER 37 C.F.R. 1.48**

Assistant Commissioner for Patents  
 Washington, D.C. 20231  
 Sir:

Eli Lilly and Company, a corporation of Indiana, as assignee of the entire right, title, and interest in and to the above-identified patent application by virtue of the assignments of coinventors Janet M. Hock, hereby consents to the joining of Gregory A. Gaich and Willard H. Dere as coinventors of the invention claimed in the above-captioned application as sought in the accompanying Petition to Correct Inventorship.

Respectfully submitted,  
 ELI LILLY AND COMPANY

By:

*Frederick D. Hunter*

Frederick D. Hunter  
 Assistant General Patent Counsel  
 Registration No. 26,915  
 Phone: 317-433-4101

Eli Lilly and Company  
 Patent Division/TDW  
 Lilly Corporate Center  
 Indianapolis, Indiana 46285

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# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

<b>Attorney Docket Number</b>	<b>X-11965</b>
<b>First Named Inventor</b>	<b>Janet M. Hock</b>
<b>COMPLETE IF KNOWN</b>	
<b>Application Number</b>	
<b>Filing Date</b>	
<b>Group Art Unit</b>	
<b>Examiner Name</b>	

☒ Declaration Submitted with Initial Filing  
☐ Declaration Submitted after Initial Filing

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD OF INCREASING BONE TOUGHNESS AND STIFFNESS AND REDUCING FRACTURES

the specification of which

☐ is attached hereto  
OR

☒ was filed on 08/19/1999 as United States Application Number or PCT International  
(MM/DD/YYYY)

Application  
Number

PCT/US99/18961

and was amended on  
(MM/DD/YYYY)

1/24/2000  
5/10/2000  
8/2/2000

(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.
60/097,151	8/19/1998	
60/099,746	9/10/1998	

Approved for us through 9/30/98. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**DECLARATION**

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Attorney Name	Reg. No.
Arvie J. Anderson	45,263
Lynn D. Aepelgren	P45,341
Robert A. Armitage	27,417
Brian P. Barrett	39,597
Michael T. Bates	34,121
Roger S. Benjamin	27,025
William R. Boudreaux	35,796
Steven P. Calvinder	35,487
Paul R. Cantrell	36,470
Charles E. Cohen	34,565
Kenneth J. Collier	34,982
Daniel W. Collins	31,912
Robert A. Conrad	32,089
Elizabeth A. Dawalt	44,646
Paul R. Darks	33,862
Steven G. Davis	39,652
John C. Demeter	30,167
Manisha A. Desai	43,585
John H. Engelmann	28,075
Joanne Longo Feeney	35,134
Paul J. Gaylo	36,808
Francis O. Ginh	44,712
Edward P. Gray	30,638
Amy E. Hamilton	33,894
Suzanne M. Harvey	42,640
Frederick D. Hunter	26,915
Thomas E. Jackson	33,064
Charles Joyner	30,466
James J. Kelley	41,888

Attorney Name	Reg. No.
Paul C. Kimball	34,641
Paul J. Kolvuniemi	31,533
Robert E. Lee	27,919
James P. Leeds	35,241
Nelsen L. Lentz	38,537
Ronald S. Maciak	35,262
Janet T. McClain	36,863
Scott A. McNeil	37,185
Ariene K. Musser	37,895
Douglas K. Norman	33,267
Arleen Palmberg	40,422
Raymond S. Parker, III	34,893
Thomas G. Plant	35,784
James J. Sales	33,773
Michael J. Sayles	32,295
Robert L. Sharp	P45,609
David M. Stemerick	40,187
Mark J. Stewart	43,936
Robert D. Titus	40,206
Barbara Twardzik	36,386
MaCham Vomdran-Jones	36,711
Gilbert T. Voy	43,972
Andrea C. Walsh	34,988
Thomas D. Webster	39,872
Lawrence T. Welch	29,487
Alexander Wilson	P45,782

☐ Additional registered practitioner(s) named on a supplemental sheet attached hereto.

Direct all correspondence to:

Name **ELI LILLY AND COMPANY**  
 Address **ATTN: Paul C. Kimball**  
 Address **LILLY CORPORATE CENTER/DC1104**  
 City **INDIANAPOLIS** State **INDIANA** ZIP **46285**  
 C untry **US** Telephone **(202) 434-7152** Fax **(202) 628-1452**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A Petition has been filed for this unsigned inventor

Given Name **Janet** Middle Initial **M.** Family Name **Hock** Suffix **e.g. Jr.**  
 Inventor's Signature **Janet M. Hock** Date **Sept. 14, 2000**  
 Residence: City **Indianapolis** State **IN** Country **US** Citizenship **US**  
 Address **7702 Candlewood Lane**  
 Post Office Address **SAME AS ABOVE**  
 City **Indianapolis** State **IN** Zip **46250** Country **US**

☐ Additional inventors are being named on supplemental sheet(s) attached hereto.